



**CLAYTON CITY COUNCIL
REGULAR MEETING AGENDA**

**Tuesday, April 16, 2024
7:00 p.m.**

**Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517**

Zoom Videoconference and Call-in:

Webinar: <https://us02web.zoom.us/j/81342918951>

Telephone: 1 + (669) 900 - 9128 **Webinar ID:** 813 4291 8951

Jim Diaz, Mayor

Kim Trupiano, Vice Mayor

Peter Cloven, Councilmember

Holly Tillman, Councilmember

Jeff Wan, Councilmember

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on other agenda items will be allowed when each item is considered by the Council.

4. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by one single motion. Members of the Council, audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question, discussion, or alternative action may request so through the Mayor.

- a. Approval of April 2, 2024, Meeting Minutes
(City Clerk)
[\(View\)](#)
- b. Adopt a Resolution directing the preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District, to initiate the process for setting the annual assessments for landscape and weed abatement services on the properties within the Diablo Estates subdivision. This assessment is collected through the property taxes collected by the County. (City Engineer)
[\(View\)](#)

5. **RECOGNITIONS AND PRESENTATIONS**

(There are no Recognitions or Presentations scheduled for this meeting.)

6. **REPORTS**

- a. City Manager / Staff
 - Link to ClearGov Transparency Portal:
<https://cleargov.com/california/contra-costa/city/clayton/checkbook>

7. **PUBLIC HEARINGS**

(There are no Public Hearings scheduled for this meeting.)

8. **ACTION ITEMS**

- a. Consider the recommendation from the Budget & Audit Committee to appoint Frank Gavidia to seat 3 and renew the term for existing members: Hank Stratford and Howard Kaplan, to the Community Financial Sustainability Committee for two-year terms expiring December 31, 2026. (Finance Director)
[\(View\)](#)

9. **COUNCIL ITEMS** – Limited to Council requests and directives for future meetings.

10. **COUNCIL REPORTS**

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be May 7, 2024.

Meeting Information and Access

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's website at www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council after distribution of the agenda packet and regarding any public item on this agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.

Remote Access

The public may attend City Council meetings in-person or remotely via livestream on the City's website and through Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

1. **Videoconference:** Click or visit the link on the front page of the meeting agenda. To access the webinar, you may download the Zoom client application or connect to the meeting in the web browser. You will be asked to enter your email address and name.

When the Mayor calls your item of interest, click the "raise hand" icon to be added to the speaker queue. The Clerk will identify you by name and you will hear "you have been unmuted" when it is your turn to provide public comment.

2. **Phone-in:** Dial the telephone number provided on the front page of the agenda. When prompted, enter the meeting ID. Once connected you will hear the meeting discussions but will remain muted. When your item of interest is called, please dial *9 to "raise hand" and be added to the speaker queue. The Clerk will identify you by the last 4-digits of your phone number and you will hear "you have been unmuted" when it is your turn to provide public comment. To toggle between mute/unmute on your device, please dial *6.

3. **E-mail Public Comments:** Public comment may also be sent to the City Clerk at cityclerk@claytonca.gov by 5:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire City Council and made part of the official meeting file.

Each person attending the meeting in-person, via videoconference, or call-in and who wishes to speak on an agendized or non-agendized matter (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

TUESDAY, April 2, 2024

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Diaz, Vice Mayor Trupiano, and Councilmembers Cloven and Tillman. Councilmember(s) absent: Councilmember Wan. Staff present: Acting City Manager Amy Walcker, Chief of Police Rich McEachin, City Engineer Larry Theis, City Attorney Mala Subramanian, and Administrative Clerk Gabriela Saucedo.

2. **PLEDGE OF ALLEGIANCE** – *Led by Mayor Diaz.*

3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

Jim Killeren – Spoke regarding a Firewise neighborhood meeting in Clayton on April 10th.

Keith Hayden – Spoke regarding staff turnover and requested that the council investigate why staff is leaving and also concerns about Concerts in the Grove fundraising.

Susan Hurl (Republic Services) – Spoke regarding Republic Service’s composting program.

4. **CONSENT CALENDAR**

It was moved by Councilmember Cloven, seconded by Councilmember Tillman, to approve the Consent Calendar item 4(a) – 4 (c) as submitted. (Passed 4-0-1, Councilmember absent).

a. Approval of Meeting Minutes:
i. March 19, 2024, Regular Meeting
ii. March 22, 2024, Special Meeting
(City Clerk)

b. Adopt a Resolution approving the District Closeout Analysis Report prepared for the City of Clayton Community Facilities District No. 1990-1 (Middle School), Declaring the Remaining Fund Balance as Surplus, and Ordering the Disposition of Surplus (City Manager)

Resolution 12-2024

c. Review and approve the authorization for the Clayton Police Department to spend \$87,048 from the Reserves with reimbursement from FEMA.
(Chief of Police)



City Council Agenda Item 4b

STAFF REPORT

TO: Honorable Mayor and Councilmembers

FROM: Larry Theis, P.E., Public Works Director/City Engineer

DATE: April 16, 2024

SUBJECT: Resolution Directing the Preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District

RECOMMENDATION

Adopt a Resolution directing the preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District, to initiate the process for setting the annual assessments for landscape and weed abatement services on the properties within the Diablo Estates subdivision. This assessment is collected through the property taxes collected by the County.

BACKGROUND

At the request of the developer of the Diablo Estates residential project, the City Council (by approval of Resolution 04-2012 on February 7, 2012) formed the Diablo Estates Benefit Assessment District ("District") in accordance with the requirements of the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982. The purpose of the District is for private property owners to be assessed annually to fund the annual maintenance of the various subdivision improvements constructed as part of the residential project that are of benefit to the properties within the subdivision. The initial Engineer's Report and benefit assessment was prepared by the Engineer of Work and approved via a Proposition 218 ballot election by the property owners as required by law. The District was formed allowing the maximum annual assessment rates to increase annually based on the San Francisco Bay Area Consumer Price Index ("CPI").

Although the Benefit Assessment Act of 1982 does not require further action prior to levying the annual assessment if the assessment rates are not increased (other than any pre-authorized adjustment due to a CPI increase), the Landscaping & Lighting Act of 1972 does

require the filing and approval of an annual Engineer's Report prior to levying an annual assessment.

For the purpose of continuing to levy annual assessments on the property owners, the City Council initiates the process by calling for preparation of an annual Engineer's Report. After adoption of this Resolution, the next step will be for the Engineer of Work (City Engineer) to submit, and the City Council to review and then accept, the Engineer's Report for this District. Following that submittal and action by Council, will be a public hearing (with property owners' advance notification) prior to formally setting next year's assessments in sufficient time to be levied and collected on the County's Fiscal Year 2024-2025 secured property tax bills.

DISCUSSION

This is the first step to initiate the process for setting the annual assessments on the properties within the Diablo Estates subdivision for landscape and weed abatement services which is collected through the property taxes collected by the County.

FISCAL IMPACT

None to the City. As designed and approved, all expenses associated with the subdivision improvements, maintenance, operation, and repair are borne by the property owners of the District.

CEQA IMPACT

None

ATTACHMENTS

1. Resolution Directing the Filing of an Annual Engineer's Report for the Diablo Estates Benefit Assessment District

RESOLUTION NO. XX-2024

**A RESOLUTION DIRECTING THE FILING OF AN ANNUAL ENGINEER'S REPORT
FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, as requested by the Diablo Estates project's property owners and by Resolution No. 04-2012 adopted February 7, 2012, the Clayton City Council formed the Diablo Estates Benefit Assessment District (the "District") pursuant to both the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982; and Arial Font 12; and

WHEREAS, an initial Engineer's Report was prepared by a registered civil engineer; and

WHEREAS, an initial annual assessment, along with an allowable annual rate increase in accordance with annual increase in the San Francisco-Bay Area Consumer Price Index ("CPI"), was approved by the affected property owner(s) in a Proposition 218 ballot election; and

WHEREAS, although the Benefit Assessment Act of 1982 requires no further action to continue levying the annual assessment, the Landscaping & Lighting Act of 1972 does require the City Council to direct the Engineer of Work to prepare an Annual Engineer's Report prior to the levying of an assessment; and

WHEREAS, it is the City Council's intent to commence said proceedings to ensure sufficient funds be assessed, levied, collected, and expended each fiscal year to fulfill the property owner's obligation to properly maintain, operate and repair the associated Diablo Estates subdivision improvements as private property owner beneficiaries; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Clayton, California, does hereby resolve as follows:

1. There are no significant changes proposed to the improvements maintained by the District.
2. The City Engineer is hereby directed to prepare and file an Annual Engineer's Report in accordance with the provisions of the Landscaping & Lighting Act of 1972.
3. This Resolution is adopted pursuant to Section 22622 of the California Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 16th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Stephanie Cabrera-Brown, City Clerk



STAFF REPORT

TO: Honorable Mayor and Councilmembers

FROM: Prapti Aryal, Finance Director

DATE: April 16, 2024

SUBJECT: Appoint One Member to the Community Financial Sustainability Committee and Renew the Term for Two Existing Members as Recommended by the City Council's Budget & Audit Committee

RECOMMENDATION

Consider the recommendation from the Budget & Audit Committee to appoint Frank Gavidia to seat 3 and renew the term for existing members: Hank Stratford and Howard Kaplan, to the Community Financial Sustainability Committee for two-year terms expiring December 31, 2026.

BACKGROUND

On October 18, 2022, the City Council established the Community Financial Sustainability Committee via Resolution 76-2022.

Per the establishing resolution, the City Council's Budget & Audit Committee is charged with reviewing applications and ultimately recommending committee appointments to the full City Council. Currently the committee has three vacancies. Staff received the Committee application for one (1) new member. The City Council's Budget & Audit Subcommittee reviewed the application and held an interview of the one new applicant, Mr. Frank Gavidia on March 24, 2024.

The Budget & Audit Committee recommends appointing Frank Gavidia as a new member and renewing the terms of the existing members Hank Stratford and Howard Kaplan to the Community Financial Sustainability Committee for two-year terms expiring December 31, 2026.

With these appointments, the Committee will still need two additional members for the Committee to be fully seated.

FISCAL IMPACT

None other than staff time to support the subcommittee.

CEQA IMPACT

None

ATTACHMENTS

1. Application – Gavidia, F.
2. Resolution 76-2022



CITY OF CLAYTON

COMMUNITY FINANCIAL SUSTAINABILITY COMMITTEE APPLICATION

Name: Frank Gavidia

Date: 03/07/2024

Home address: [REDACTED] Contact phone: [REDACTED]

Length of residence in Clayton: 24 years

Email address: [REDACTED]

Present employer: Globe & Anchor Wealth Management & Financial Planning, LLC

Occupation: Registered Investment Advisor

Education and special training. Specifically identify your background and experience in governmental finance and accounting, auditing, financial management:

Bachelor of Arts, Economics, Minor in Business Administration

CERTIFIED FINANCIAL PLANNER™ Professional

Please provide an example of how you have addressed a complex financial challenge in your work. Please provide as many specifics as possible, particularly to actions or decisions for which you were personally responsible.

For the last 30 years I have managed portfolios and created financial plans for wealthy families. The work involves analyzing corporate balance sheets and income statements. The work involves budgeting, variability of returns and asset dissipation.

Since this is a new Committee, what do you think are the three most important goals for the Committee to achieve in its first year?

Determine the actual numbers for expenses and revenue

Communicate the findings to the City Council and the public

Obtain accurate data from the city

Please describe what you believe the top financial challenge is facing the City of Clayton. What research have you done in reaching this conclusion?

The city's greatest challenge is to operate successfully with a limited sales tax base and relatively fixed property base as Clayton is 98% built. Most revenue comes from ad valorem taxes, turnover is the source of revenue increases. Clayton needs to live within its means and make it clear to the public what services they are paying for

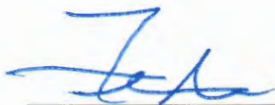
List three references with phone numbers:

[REDACTED]

[REDACTED]

[REDACTED]

Please attach a resume or other summary of your relevant financial experience.



Signature

March 7, 2024

Date

RESOLUTION NO. 76-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
ESTABLISHING A COMMUNITY FINANCIAL SUSTAINABILITY COMMITTEE**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, the City of Clayton like many other municipalities faces financial pressures;

WHEREAS, polling completed in the Spring of 2022 indicates that the Clayton community is very satisfied with the quality of life in Clayton;

WHEREAS, the Clayton community is generally not aware of the financial challenges facing the City; and

WHEREAS, increased engagement with the community around financial matters will benefit the City and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON, CALIFORNIA:

- 1. Membership:** The Committee shall include five Clayton residents as voting members, appointed by the City Council. All members shall possess a background in finance, accounting auditing or related field. Membership shall include at a minimum:
 - a. One member with experience in governmental accounting
 - b. One member with experience in governmental finance and/or budgeting
 - c. One member with experience in auditing
- 2. Appointment Process:** The Council Budget & Audit Standing Committee will be responsible for screening applications and interviewing candidates for the Committee. The Budget & Audit Committee will make recommendations on appointment to the full City Council. Appointment will be by a majority of the full City Council.
- 3. Term of Service:** The term of service for each member shall generally be two years. The initial term of some members may be less or more than two years so that the expiration dates are staggered.
- 4. Compensation:** Members of the Committee will receive no compensation for their service.
- 5. Meetings:** All meetings of the Committee are open to the public. The Committee shall determine the meeting schedule provided that the Committee holds at least four meetings per year. The Committee shall comply with state law regarding the noticing and conduct of public meetings.

6. **Quorum:** Three members of the Committee constitute a quorum. A majority vote of a quorum is required for the Committee to take any action, including approval of a recommendation to the City Council.
7. **Mission Statement:** The Committee shall act in an advisory capacity to the City Manager and City Council and shall make recommendations on the annual budget and financial matters related to the City's operation but shall not have any direct spending or operational authority. It is the goal of the Committee to increase engagement and information around City financial matters.
8. **Duties of the Committee:**
 - a. Identify areas for additional evaluation for financial savings or revenue generation.
 - b. Communicate with the community on City financial matters.
 - c. Review the City's proposed annual budget and provide recommendations to the City Manager, Budget & Audit Subcommittee and the City Council.
 - d. At the request of the City Council, have a representative attend other meetings such as the City Council's annual goal-setting meeting.
 - e. Select at least one and no more than two Committee members to attend City Council Budget & Audit Subcommittee meetings to represent the Community Committee.
 - f. Make recommendations to the Budget & Audit Subcommittee and City Council on financial matters related to City operations including but not limited to:
 - i. Each year, to the extent that the City's external audit identifies available General Fund surplus in the prior budget year, make recommendations regarding potential uses or reservations of those funds (January);
 - ii. On a semi-annual basis, typically during the annual budget process (May/June) and mid-year budget process (January/February), review the City's current financial circumstances and capital needs to make recommendations regarding expenditures and revenues.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California, at a regular public meeting thereof held on the 18th day of October 2022, by the following vote:

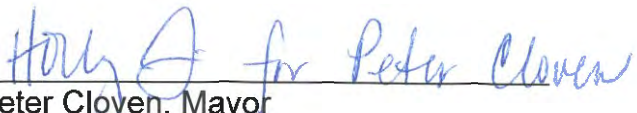
AYES: Mayor Cloven, Vice Mayor Tillman, Councilmembers Diaz, Wan, and Wolfe.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



Peter Cloyen, Mayor

ATTEST:



Janet Calderon, City Clerk